

## Message Text

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ACTION EB-07

INFO OCT-01 ARA-06 ISO-00 L-03 COME-00 CIAE-00 INR-07

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FM AMEMBASSY BUENOS AIRES

TO SECSTATE WASHDC 1703

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E. O. 11652: N/A

TAGS: EIND, AR

SUBJECT: ARTICLE NINE - TRADEMARK REQUIREMENTS ARGENTINE LAW NO.  
20,794 GOVERNING LICENSING AND TECHNOLOGY TRANSFER

REF: A. BA A-348 (1974); B. STATE 75935; C. BA 3081 AND D. STATE  
107062

1. S&T COUNSELOR AND ECOMOFF TOOK UP MATTER OF HANDLING OF  
TRADEMARKS UNDER SUBJECT LAW OVER LUNCH WITH NATIONAL INDUSTRIAL  
PROPERTY DIRECTOR GERARDO SEEGER. SEEGER IS RESPONSIBLE FOR  
REGISTERING OF PATENTS AND TRADEMARKS IN GOA. HE IS A CAREER  
CIVIL SERVANT, WHO HAS HELD THIS POSITION THROUGH SEVERAL  
CHANGES OF GOVERNMENT.

2. BASICALLY, SEEGER'S VIEW IS THAT PRACTICE OF REGISTERING  
AND USE OF TRADEMARKS IN ARGENTINA REMAINS ESSENTIALLY THE  
SAME UNDER THE LAW WHICH GOVERNS TRADEMARKS. TRADEMARKS CAN  
BE REGISTERED FOR 10 YEAR PERIODS, RENEWED, AND UTILIZED  
HERE BY FOLLOWING LONG-ESTABLISHED PROCEDURES WITH HIS OFFICE.  
HE SEEMS TO FEEL THIS CAN AND SHOULD BE SEPARATE THING  
FROM "TECHNOLOGY TRANSFER" AS COVERED BY LAW 20,794.

3. ENFORCEMENT OF LAW 20,794, SAYS SEEGER, IS CLEARLY IN  
DOMAIN OF NATIONAL INDUSTRIAL TECHNOLOGY INSTITUTE (INTI),  
AND HE THEREFORE WISHED AVOID COMMENTING ON IT, EXCEPT TO  
AGREE, AFTER LISTENING TO OUR REASONING (AS PER REFTEL B),  
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THAT IT IS PROBABLY TOO SEVERE ("DEMASIADO DURO"). SEEGER

SEEMS TO FEEL THAT LAW 20,794 ONLY APPLIES TO TRADEMARKS  
WHEN THEY ARE PART OF A CONTRACT WHICH CALLS FOR TECHNOLOGY  
ACQUISITION, EXTERNAL REMITTANCES, ETC.

4. COMMENT: WE ARE NOT RPT NOT ENTIRELY SATISFIED WITH  
SEEBER'S EXPLANATION AND (AT HIS SUGGESTION) PLAN ALSO  
TO RAISE MATTER OF LAW NO. 20,794 AT INTI AND POSSIBLY  
WITH INDUSTRIAL DEVELOPMENT SECRETARY VASALLO. IF AND  
WHEN WE ARE SUCCESSFUL IN ONE OR BOTH OF THESE ADDITIONAL  
DEMARCHES, WE WILL, OF COURSE, REPORT THE RESULTS.  
HILL

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
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